App F. IX-4

Previous References. 1941. (Legis) **File No.** 7-4

Serial Nos. 1

Later References.

PRESERVED

FC

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for July 1941

SUBJECT

The Railway Lands (Employment of Troops Areas) Act, 1941

To

The compiler, Mysore Gazette

No RL 277- Legis 7-44-1 dated 30-7-1941

Notifies the publication of the Act as Act No. XVII of 1941

RAILWAY SECRETARIAT.

( )

NOTES.

File No.

FILE HEADING.

Protection of Railways.

FROM The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

No. R. F. 91-40 Judl. Dated 7-2-1940 Received 9-2-1940

Diary No. 1725 | Enclos. 4 | Spare copies - | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for information copy of Law entitled "The Railway Lands (employment of Indian State Forces) Law, 19..

NOTES AND ORDERS.

1. The Secretary to the Hon'ble the Resident states that Indian States who are members of the State Forces Scheme, have accepted the obligation of protecting Communications within their boundaries, which include Railways over which the Civil and Criminal jurisdiction has been ceded to the Crown Representative, and that in addition certain other States which are not members of the State Forces

WD 02750—GPB—1,500—2-6-39

Forces Scheme, have also undertaken to protect the Railway lines passing through their territories.

2. The Secretary to the Hon'ble the Resident, adds, that the Crown Representative in Consultation with the Governor General has recently been considering in what manner the Military and Police Forces of the States can be protected in law in addition to the protection given by Sec 18 of the Defence of India Act (XXXV of 1939) from the Consequences of any action which they may take in fulfilment of their obligations, if called upon to protect railway lines over which jurisdiction has been ceded to the Crown Representative and that after due Consideration it has been Concluded that the actions of the State Forces Military and Police, will only fall within the Scope of certain Sections of the Indian Penal Code, Criminal Procedure Code, Police Act and Indian Railways Act.

3. The Secretary to the Hon'ble the Resident intimates, that a Law entitled "The Railway Lands (Employment of Indian State Forces) Law, 1939" has been prepared accordingly and issued and forwards for information of Government Copies of the Law, which its is stated, will require to be used in the Contingency contemplated

flag V

Railway Secretariat | File No. | of 193 .

5858

Serial No.

OFFICE OF THE ... MEMBER OF COUNCIL
FEB 12 1940
No. 2232

Contemplated.

4. The Juris-diction over Sections of the Mysore State Railway as it now Stands is noted below for information

(i) Bangalore - Chamarajanagar.
(ii) Mysore - Arsikere.
(iii) Birur - Sagara.
(iv) Chickjajur - Chitaldrug.
(v) Bowringpet - Bangalore N. G.
(vii) Kolar Gold fields Ry; } With the Mysore Government.

(vii) Bangalore - Harihar
(viii) Yeswantapur - Hindupur } With the Imperial Govt;

5. The question of Retrocession of Jurisdiction over the Bangalore - Harihar and Yeswantapur - Hindupur Section is under Correspondence with the Govt. of India & the main file is being dealt with in the Law Deptt.

6. If approved, this will be referred to the Law department for issuing necessary instructions if any.

A | to Departments concerned

Secy: 7) For perusal. A may be done
Sd. HB
9/2 9/2

699/1725
12/2

Rly Secy
9-2-40.
For perusal.

8) 1st Member / Dewan

MS
12/2

10) MS
14-2-40

MS
16/2

9) MM
14/2/40

NOTE.—Contd. sheet 16-2-40

WD 02751—GPB—3,000—3 6-39

5/19 J 5422/P V 5

File No. of 19 | Railway Secretariat.

5

11. Reference para 6 of notes.

12. This will now be referred to the Law Department, for favour of necessary action if approved.

15/2/40

Asstt Secy Law

Srtd:
SP VB
15/2 15/2

5.5/1725
16.2.40.

wtcy

11) Put up a draft, sending herewith offences of the P.C.O to the Chief Commandant, along with the copy of the letter we received from the Railway & also the Notification issued along with the letter from the Railway.

12) The copy of the Railway letter may be sent, along with Notification of the D.G.P.&T.

3
12/4/40

13) Draft sent

Draft approved. The
14) Chief Secretary may issue. The
12/4 D. Draft may be approved of the D.G.P.&T.
may be approved.

Asst Secy. 3
18/4/40

Hm
8/4.

15) C. to Govt
3
18/4/40

5422/0

General and Revenue Secretariat	File No.	of 194 .	[App. F. III–2

Serial No.	
	Issued No P 6873/Enc 2 dated 17/19 April 1940 to the I. G. Police.
	No P 6874/Enc 2 dated 18/19 April 1940 to the Chief Commandant.
	Re noted as directed
	Done 19/4

NOTE—Contn. Sheet

2880/P/40 5422

Serial No.

'Mails X and Y'

Kind reference is invited to para 3 of the P.U.D and to paras 3 and 7 to 10 of the notes supra

Copy of the letter received from the Residency and a copy of the notification received with it have been sent to the Chief Commandant and the I.G. of police for information and nothing has been heard from them since. No further action seems to be necessary in the matter.

The file will therefore be ~~closed~~ laid by.

Hardie 9/11

In this connection kind reference is invited to the linked file which relates to legislation on the lines of the Railways Labour (Employment of Indian Labour) Amendment Act, 1939 in pursuance of a subsequent communication of the Resy of 12.7.40. If it is considered necessary to pursue the idea contained in the letter of the Resy in this file, there may be considered to getting it back for action.

Poddar 11/11

This file has to be considered along with the other file so that it may be seen by the Legislative Member.

3
11/11/40

NOTE—Contn. Sheet.

846 p340

MYSORE STATE INTERNAL SECURITY INSTRUCTIONS.

General and Revenue Secretariat | File No. of 193 | [illegible] 1. AUG. 1940 [illegible] Appx. F. III—2

Serial No.

Extract from D.O.letter No.F.150-1940 dated the 12th July 1940, from the Secretary to the Hon'ble the Resident in Mysore, Bangalore.

- - - -

* * * *

1) (e) It was agreed that the Mysore Government should consider the enactment of legislation on the lines of the Railway Lands (Employment of Indian States Forces (Amendment) Act, 1939, so as to provide legal protection for British Indian forces, civil or military, working within tactical distance of railways within the State.

- - - - -

* * * *

2) (3)(e) Legislation is necessary and may be agreed to. This is a matter of reciprocity.

Intld. BTK.
16/7

1st Member)

3) Intld. NM.
17/7/40

Intld.BTK.
17/7

Dewan)

4) Intld.MI.
18-7-40

Intld.BTK.
19/7

RS. 30/7

5) In Spite of very effort a Copy of the Act Could not be obtained in any of the books Containing Acts for 1939. The Bill Could not Consequently be Placed before the Act during its last session.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

840

Railway Lands (Indian States Forces) (amendment) Act, 1939.

File No. of 193 . | General and Revenue Secretariat

6) A draft to the Residency requesting that a copy of the Act may be kindly made available is put up

One 8/11/40

7) Issue MMS 8/11

Issued Pol 637 dated 8th November 1940 to the Residency.

8) No reply has been received from the Residency yet. A draft reminder is put up.

One 18/12/40

(Two days issued)

4 & 8th 19/12

9) Hm 20/12

Issue MMS 20/12

Issued Pol 894 d 20.12.40 to the Residency.

From

The Secretary to the Hon'ble the Resident

7150/1940 dated 23rd December 1940

forwarding copy of letter 7.150/1940 dated 4th December 1940.

10) The Residency has stated that the Railway lands (Employment of Indian States Forces) (amendment) Act, 1939, referred to by them is the same as the Railway Lands (Employment of Indian State Forces) Law, 1939.

11) A copy of this Law is put up. Flag Y

12) Reference is invited to paras 2 to 4 above. Draft of a Bill on the lines of the Law sent by Residency is put up.

13) The Bill as drafted gives protection not only to the Military and Police Forces of British India but also to the Police Forces of Civil & Military Station. It is

Railway Lands (Indian State Forces) Law, 1939

Serial No.

2. 1941
7-28-

conceivable that the Police of the C & M Station may be called up for protection and in such a case, legal protection will have to be given to them also. This is a point for orders.

14) It is also for orders whether the measure has to be passed as an emergency Act or whether the Bill may be introduced in the two Houses in the usual course. In the latter case it will become law only ~~some where~~ in July 1941 or thereabout.

15) In either case, and if approved, a copy of the draft Bill will be sent to the Residency for remarks, if any.

Submitted for orders.

Sec. 6.1.41 MM

16) Provision may be made in the Bill extending protection to the C & M. Station Police and a copy of the Bill may perhaps be sent to the Residency for remarks

MM 6/1

4487/41

Law Secy) 17) May be approved.

I Member)

Hm 2 21/1/41
MM 21/1

18) It is possible (although the Govt have not so far agreed to such an arrangement) that the State Police may have to aid Ry Police for the protection or maintenance of public order on Ry Lands under the jurisdiction of the Crown Representative. The Ry Lands (employment of Indian state forces) Law 1939 was designed for

NOTE—Contn. Sheet.

A385 2/40
P

File No. of 194 | General and Revenue Secretariat

Serial No.

such a purpose. How can the converse case arise?

19) With regard to C & M Stn., reciprocal assistance between the Mysore and Cantonment Police has I believe been provided for in the Retrocession proposals.

20) The need for this bill has to be further examined.

Rly
9B/1/41

Hm
2
24/1/41

Under
24/1

21) The question of undertaking legislation in Mysore on the lines of the Railway lands (Employment) of States Forces) Law, 1939, appears to have been first mooted during the discussions in the Residency on the Internal Security Scheme. Hyg J & K

In the Residency letter on this subject, it is stated that the Act is intended to provide legal protection for British Indian Forces, Civil and Military working within tactical distance of railways within the State. Hyg K

We have however stated that the question will be examined. Hyg B.

one of the ~~only~~ lines within Mysore, considered in connection with the Internal Security Scheme and the Protection of which falls on the Crown Representatives Police, is the Broad-guage line, Bangalore-Madras (Bangalore-Bisnathan). It is only in ~~this~~ such cases that

Serial No.

the British Indian Forces may have to act in Mysore territory within tactical distance of the railway which they have to protect. For this, they will require legal protection.

In regard to other railways considered in this connection, they are all under our protection and the British Indian Forces can act only if they are called in aid by us.

The question raised during the discussions on retrocession proposals deals with the question of the Police (only) of the retained and the retroceded area. The Residency have stated that when following processions etc., it may not be possible for one body of Police to hand over control to another body on the boundary in the special circumstances and that the retained or retroceded area police may have to get into Mysore territory when they will require protection. They have added that the question of granting legal protection for co-operation in such circumstances would be further examined. We have agreed to this co-operation.

It would thus appear that the two questions are not identical. The draft Bill provides for only the first case. A separate measure modelled on the lines of clause 3 of the draft Bill will be necessary to supplement the retrocession agreement referred to above.

The Residency evidently contemplate that in the protection of railways within Mysore but whose protection is the Crown Representative's responsibility, the British Indian Forces (both civil and Military) may also have to operate in

NOTE—Contn. Sheet.

6296 p 340

Railway Lands (Employment of Foreign Forces) Bill 3852 P (a)

File No. of 194 | General and Revenue Secretariat

Serial No.

Mysore territory outside ~~such~~ the area of the railway lands and would therefore require legal cover.

Even under the draft Bill, protection will be available only if they act with our consent.

Submitted for orders with reference to Member's minute of para 20 above.

Hm 12.4.41

BKR 14.4.41

Law Secy)

I. Member) Hm 2 18/4/41.

BKR 18.4.41

22) The contingency for which the Bill seeks to provide seems to be a very remote one. But as we have undertaken to pass this legislation, we have to proceed with the bill.

Nile 22/4/41

23) This is a Council matter and may be disposed of by circulation

Dewan) Hm 2 29/4/41.

BKR 29.4.41

24) Mi 1-5-41

Submitted.

BKR 3.5.41

Chief Secy)

DEWAN'S OFFICE 1. MAY 1941 NO 7466

May await the return of the Member. Hm 2 21/4/41.

7138/14/4 BKR 21.4.41

OFFICE OF THE FIRST MEMBER OF COUNCIL APR 18 1941 No 10771

OFFICE OF THE FIRST MEMBER OF COUNCIL APR 25 1941 No 10820

Submitted with a circulation Memo signed.

Re 5/5/41 25)

MS 5/5/41

6296

For Disposal by Circulation. **No. C. 609 Z/1940-41.**

.....193....

7704

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

The Railway Lands (Employment of Foreign Forces) Bill.

Circulated to the Members of Council.

By Order,

Mohammad Ali

.....5th....May.....194 1. *Chief Secretary to Government.*

First Member of Council. (Seen)

11188/5-5-41 **Second Member of Council.** RC 6/5

Law Secy. With Compliments.

MS 7.5.41

Hm 2. 7/5/41 BKR 7.5.41

7829/87 A.D.-7.N is submitted BKR 8.5.41

Law Secy (I Member.) Signed 7.N is kept below 9/5/41 CCC 10/5/41

Hm 9/5/41. BKR 9.5.41

S.N. submitted Dewan)

Hm 12/5/41 BKR 12.5.41

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Railway Lands (Employment of Foreign Forces) Bill.

Recd Log
No
16-5-41.

Order.

No. 770.

13/5/41.

19.5.41

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the Railway Lands (Employment of Foreign Forces) Bill,

for His Highness' gracious approval.

Bangalore,
12th May 1941.

Mirza M. Ismail
Dewan.

Final Note by the First Member of Council.

Subject.—

Railway Lands (Employment of Foreign forces) Bill.

In January 1940, His Excellency the Crown Representative issued a Law known as the Railway Lands(Employment of Indian State Forces) Law, 1939, in order to give protection to military and police forces of Indian States from the consequences of any action which they may take if called upon to protect railway lines over which jurisdiction has been ceded to the Crown Representative.

Paras 21 + 22 ?nks

The question of affording similar legal cover to British Indian Forces when they have to operate in Mysore territory in the course of the protection of railway lands over which jurisdiction has been ceded, was examined in connection with internal security arramgements.

It is considered that a measure similar to the Crown Representative's Law would be necessary for this purpose. A Bill has been accordingly drafted and it is proposed to place it before the Representative Assembly at the ensuing session and thereafter introduce it in the Legislative Council.

Under the Bill, protection will be available to foreign forces only when they act with the authority of the Government.

Paras 24+ 26 ?nks

The Dewan and the Second Member of Council are agreeable to the enactment of this measure and I solicit the gracious sanction of His Highness to the above proposal.

N. Madhava Rau

MEMBER OF COUNCIL.

Bangalore,
10th May 1941.

General and Revenue Secretariat.

C 609.

SUBJECT:—

Railways Lands (Employment of Foreign Forces) Bill.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

Law Department.

19/5/41

FIRST MEMBER OF COUNCIL.

20/5/41

SECOND MEMBER OF COUNCIL.

21.5

Law Secy. with Compliments.

21.5.41

21/5

21.5

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

12012 19.5.41

11870 20.5.41

NOTE.—Contn. sheet

WD 02010—GPB—250—19-3-41

Railway Lands (Employment of Indian forces) Bill.

Serial No.

The previous sanction of His Highness has been accorded on the 13th May to place the Bill before the R.A. and introduce it in the Le.

A Statement of financial principles to accompany the Bill is put up.

Copies of the Bill and the Statement will be sent to the R.A. Office for further action if approved

23/5/41

Yes. BKR 23.5.41

Copies of the Bill and Statement are kept below for being initialled before being sent to R.A. Office

23/5/41

BKR 23.5.41

R.A. Office kindly for taking Copies & returning the file.

23/5/41

Copies taken & the file returned

26/5

(Protection Branch)

Submitted for orders as to who will be in charge of the Bill in the R.A.

2/6/41

BKR 2.6.41

(Law Secy)

The Law Secy will be in charge of the Bill.

2/6/41

Under rule 36 of the Bombay Legislative Rules, the Governor may order the publication of the Bill and in such a case it will not be necessary to move for leave to

Rec'd at 5.30 pm

OFFICE OF THE SECRETARY TO THE REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL 23 MAY 1941

860 2/6

NOTE—Contn. Sheet.

Railway Lands (Employment of foreign forces) Bill 6296

File No. of 194 | General and Revenue Secretariat

Serial No.

introduce the Bill. Submitted for orders if the Bill may be published under the Rule.

The Bill consists of only 2 substantive clauses and may not require scrutiny by a Select Committee, being based on the corresponding law promulgated by the Crown Representative. The following motions are therefore suggested for inclusion in the list of business of the Leg. Council at once

1. Motion that the Bill published under rule 36 of the Mysore Legislative Rules be taken into Consideration by the Council at once

Mover: Minister for Law

Seconder: Law Secretary

2. Motion that the Bill be passed.

Mover: Minister for Law.

Seconder: Law Secretary

Submitted for orders.

BKR 6.6.41

Law Secy)

Minister) Law Dewan)

7.6.41

7/6/41

8/6/41

8/6/41

May be done BKR

DEWAN'S OFFICE 8. JUN. 1941 NO. 8413

SECY. LAW DEPT. 7 JUNE 1941 GOVT OF MYSORE

12639 7/6/41

Serial No.

The Minister for Law was pleased to order that the Bill may be scrutinised again in order to ascertain whether the objects of the Bill were carried out by the Bill as at present drafted.

The Bill is intended to afford protection to foreig forces when operating on Mysore territory in the course of the protection of railway lands over which jurisdiction has been ceded to His Excellency the Crwon Representative. It is submitted that the Bill as drafted does give the required protection, though it goes somewhat further and gives protection in some other cases also, that is, in cases where action is taken in the course of protection of railway lands over which jurisdiction has not been ceded.

It is submitted that the whole question turns upon the construction of the words, "railway lands in Mysore" occurring in the first para of clauses 2 and 3. This is a non-technical expression and means merely, "railway lands situated in Mysore territory". The railway lands over which jurisdiction has been ceded are also within Mysore territory and would therefore fall within the scope of the Bill. The question of jurisdiction is immaterial for purposes of ascertaining territorial limits. The protection under the Bill will, however, be limited to action taken in Mysore territory over which jurisdiction has not been ceded as our laws will be operative only in such territory.

Reference is invited to the letter of the then Inspector General of Police (Mr. A.V.Ramanathan) dated 1st July x 1940 giving a Note on the decisions arrived at at the

11 9 11

NOTE—Contn. Sheet.

Railway Lands (Encroachment & Trespass) Bill.

File No. of 194 . General and Revenue Secretariat

Serial No.

esidency on the 26th June and to the letter of the
esidency of the 26th June on the same subject, from
hich it would appear that a somewhat general protection
is intended to be provided for. It is submitted that
e Bill provides for it.

But in order to clear doubts whether the action to
e protected is action taken on the railway lands or
n Mysore territory though in the course of protection
f such railway lands, the words, "in Mysore" may perhaps
be added to sub-clauses (a), (b) and (c) of clause 2.
This will ensure that action wherever taken in Mysore
in the course of protection of railway lands will be
protected.

In case it is desired to limit the Bill only to
protection for action in respect of railway lands over which
jurisdiction has been ceded, then the words, "over
which jurisdiction has been ceded to His Excellency the
Crown Representative" may be added at the end of para
1 of clauses 2 and 3 and the word, "such" added in
clause (a). A draft Bill incorporating all these
modifications is also put up for reference.

Submitted for orders.

30.6.41

The words 'in Mysore' may be added in clauses (a), (b) & (c) of cl(2) of the Bill

Minister (Law) 2/7/41

It was ordered that the Bill may remain as it is.

Railway Lands (Emplacement of price fres) Bill.

eneral and Revenue Secretariat | File No. D.101 of 194 | [App. F. III-2

Serial No.

The financial principles of the Bill were placed before the Representative Assembly last month and appears by it. The Bill was taken into Consideration by the Legislative Council during its recent session and passed by it at one sitting.

If approved the file will be sent to the L.C. office for kindly putting up a copy of the Bill signed by the President as required by Standing orders 44 and 45 of the Standing orders of the L.C.

Yes. BXR 7.7.41.

7.7.41

A copy of the Bill signed by the President is placed in the file.

A D.F.N. is submitted.

10.7

Law Secy).

D.F.N. submitted

Minister) Law

Signed F.N. is kept below 12/7

Hm 2 11/7/41.

11.7

OFFICE OF THE SEC. to the Govt. 8 JULY 1941 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Flag F

3570 11/7

OFFICE OF THE MINISTER FOR LAW 12 1941 No. 406

NOTE—Contn. Sheet.

FINAL NOTE BY THE MINISTER FOR LAW.

Subject.-

The Railway Lands (Employment of Foreign Forces) Bill.

The gracious sanction by His Highness was accorded on 13th May 1941 to place the general principles of the Railway Lands (Employment of Foreign Forces) Bill before the Representative Assembly and thereafter to introduce the Bill itself in the Legislative Council.

The general principles of the Bill were placed before the Representative Assembly during its Budget Session last month and were approved by it. The Bill was taken into consideration by the Legislative Council during its recent session and passed by it at one sitting.

As required by Standing Order 45 of the Legislative Council Standing Orders, a copy of the Bill passed by the Council and signed by the President is submitted for the gracious perusal of His Highness.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Camp Mysore,
12th July 1941.

MINISTER FOR LAW.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of the Railway Lands (Employment of Foreign Forces) Bill, for His Highness's gracious sanction.

N Madhava Rau

Mysore,
12th July 1941.

D E W A N.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Railway Lands (Employment of Foreign Forces) Bill.

Order.

16/7/'41.

No 40

MS
18.7.41

General and Revenue Secretariat.

C 56/41.

SUBJECT:—

Promulgation into law of the Railway Lands (Employment of Foreign Forces) Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

Law Department. 21/7/41.

427/21.7.41 Minister for Finance and Revenue. 21.7

651/21.7.41 Minister for Law. 21.7.41

773/22.7.41 Minister for Education. 23.7.41

418/23.7.41 Minister for Local Self-Govt. and Public Health. 23.7.41

Law Secy. with Compliments.

NOTE.—Contn. sheet

WD 02878—GPB—300—26-6-41

24/7

25/7/41

Railway Lands (Employment of foreign [illegible]

eneral and Revenue Secretariat R. A. & L. C. | Leg. File No. 7 of 1941. | [App. F. III-2

D.101

Serial No.

The previous assent of His Highness the Maharaja has been accorded on the 16th July 1941 to promulgate the Bill into law.

A draft Go. directing publication of the Act as Act XVII of 1941 is put up for approval

Secy RA&LC) 28/7

Law Secy) 28/7

Hon 28/7/41

Issue 29/7

SECY. L. & G. DEPT. 23 JUL 1941 GOVT OF MYSORE

This file was received here from the Protection Branch on 23.6.44. If approved it will be got recalled here

DM 24.6

Yes A.R.C. 24.6.44

RKB

Col 1395

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

R. ~~Dis.~~ No. F. 91 -40 Judl.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Dated Bangalore, the 7th February *194* 0.

PROTECTION OF RAILWAYS.

SIR,

I am directed to say that Indian States which are members of the State Forces Scheme, have accepted the obligation of protecting communications within their boundaries. These communications include Railways over which the civil and criminal jurisdiction has been ceded to the Crown Representative. In addition, certain other States which are not members of the State Forces Scheme, have also undertaken to protect the Railway lines passing through their territories.

(To Verify)

2. The Crown Representative in consultation with the Governor General has recently been considering in what manner the Military and Police Forces of the States can be protected in law in addition to the protection given by Section 18 of the Defence of India Act (XXXV of 1939) from the consequences of any action which they may take in fulfilment of their obligations, if called upon to protect Railway lines over which jurisdiction has been ceded to the Crown Representative. After due consideration it has been concluded that the actions of the State Forces, Military and Police, will only fall within the scope of certain sections of the Indian Penal Code, Criminal Procedure Code, Police Act and Indian Railways Act.

3. A Law entitled "The Railway Lands (Employment of Indd

State Forces) Law, 1939" has been prepared accordingly and has been issued. Four Copies of the Law are enclosed for the information of the Government of Mysore. It will of course be realised that the Law will only require to be used in the contingency contemplated.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO THE RESIDENT.

VN

REGISTERED No. L. 3131.

The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

NEW DELHI, TUESDAY, JANUARY 2, 1940.

GOVERNMENT OF INDIA.

POLITICAL DEPARTMENT.

NOTIFICATION.

New Delhi, the 2nd January, 1940.

No. 1-W.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Law:—

1. This Law may be called the Railway Lands (Employment of Indian State Forces) Law, 1939.

2. Whenever a military force of an Indian State is, with the authority of the Political Agent accredited to that State, engaged in the maintenance of public order in, or in the protection of, any railway lands over which the Crown Representative has jurisdiction, whether in that or in any other such State,—

(a) every member of such force may take such steps and use such force, as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;

(b) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such

[*Price 1 anna.*]

manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

(e) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is so acting it becomes practicable for him to communicate with a Magistrate he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a police force of an Indian State is, with the authority of the Political Agent accredited to that State, engaged in the maintenance of public order in, or in the protection of, any railway lands over which the Crown Representative has jurisdiction, whether in that or in any other such State,—

(a) every member of such police force shall be deemed to be—

(i) a public servant for the purposes of the Indian Penal Code or of any other law as applied to or in force in those railway lands, and

ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1898, section 31 of the Police Act, 1861, and section 131 of the Indian Railways Act, 1890, as applied to or in force in those railway lands; and

(b) every member of such police force, not below the rank which corresponds to that of a sub-inspector of police in British India, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1898, as applied to or in force in those railway lands.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military or police force of an Indian State for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this law.

C. LATIMER,
Secretary to His Excellency the Crown Representative.

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C. C. O. 1 (E).]

MYSORE STATE TROOPS.

D. O.

Telephone No. 2142
Telegr. Address :
"STATROOPS"

OFFICE OF THE CHIEF COMMANDANT,

Bangalore, dated .....9-4-40..... *19*

Confidential

Dear Mr.Appaji Gowda,

I understand that in case of Internal Security certain Railways in Mysore State come under British Jurisdiction and the defence of and safeguarding of these Railways and certain stations will be the Responsibility of the Madras District.

In view of the above and that the primary task of the State Troops will be Internal Security within the State, may I please have a list of these Railways Lines for the safeguarding of which the Madras District assume responsibility and also of the lines for which the State is responsible and which they consider

DRAFT

CONFIDENTIAL.

The Chief Commandant,
Mysore State Troops, Bangalore.

Sir,

With reference to your Confidential D.O. letter dated 9th April 1940 to Mr. Appaji Gowda in the matter of internal security as affecting Railway Lines in th State, I am directed to forward herewith in the State list of Railway Lines ~~in connexion with the jurisdiction over them~~ showing the jurisdiction over each of them. I am to forward a copy of Residency letter R.Dis. F.91-40/Judl dated 7th Febru 1940 on the protection of Railways ar notification sent therewith.

I have etc.,

Chief Secretary to Governm
~~Law Department~~

DRAFT.

CONFIDENTIAL.

The Inspector General of Police in Mysore
Bangalore.

Sir,

PROTECTION OF RAILWAYS

I am directed to forward herewith for information ~~a~~ copy of letter NO.R.Dis.F.91-40½Judl dated 7th February 1940 on the above subject together with enclosure thereto received from the Residency. ~~for inform~~

I have etc.,

Secretary to Government
Law Department

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P6893/Sec 2 — *Dated, Bangalore, 18th April 1940.*

19

CONFIDENTIAL.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

Law Department.

The Inspector General of Police in Mysore,
Bangalore.

PROTECTION OF RAILWAYS.

Sir,

I am directed to forward herewith for information copy of letter No.R.Dis F.91-40/Judl dated 7th February 1940 on the above subject together with enclosure thereto received from the Residency.

I have the honor to be,
Sir,
Your most obedient servant,

19/4

For Secretary to Government
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 6894 /Sec 2 *Dated, Bangalore,* ~~18th April 1940.~~ 19

Confidential.

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Chief Commandant,
Mysore State Troops, Bangalore.

Sir,

With reference to your Confidential D.O.letter dated 9th April 1940 to Mr. Appaji Gowda in the matter of internal security as affecting Railway Lines in the State I am directed to forward herewith a list of Railway Lines in the State showing the jurisdiction over each of them.

I am also to forward a copy of Residency letter No. R.Dis F 91-40/Judl dated 7th February 1940 on the protection of Railways and a notification sent therewith.

I have the honor to be,
Sir,
Your most obedient servant,

19/4

For Chief Secretary to Govt.

The Railway jurisdiction over the following sections rests with the Government of India - (British):

Bangalore City - Harihar

Yesvantapur - Hindupur

Note:(i) This includes Bangalore City Station Goods Shed, etc.

Note:(ii) The Bangalore City-Bisanatham section of the Bangalore-Madras Railway route (Madras and Southern Mahratta Railway) also rests with the British Police though it runs within our territory.

The State jurisdiction rests with the following:-

1. Bangalore City (outer-signal) to Chamarajanagar
2. Mysore-Arsikere
3. Birur-Sagara
4. Chickjajur-Chitaldrug
5. Bowringpet-Bangalore City (N.G.)
6. Kolar Gold Fields Railway.

Note:(i) Arsikere and Birur Railway stations are excluded;

Note:(ii) Items 1 and 2 might perhaps be considered of vital importance;

Note(iii) The Bangalore City-Madras section passes via Bowringpet and hence the Bowringpet-Bangalore City (Narrow Gauge) might perhaps be considered of not vital importance;

Note:(iv) The Kolar Gold Fields Railwayis only a branch line and hence this may not be considered of vital importance though gold mines are situated on this section.

Hamayun Rajh

Protection Branch)

Assistant Secretary
for Railways,
Government of Mysore.

18/4/40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8th ~~November 1940~~.

No. L 1637

From

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Sir,

I am directed to invite reference to your D.O. letter No. F. 150-1940, dated 12th July 1940 and to request that a copy of the Railway Lands (Employment of Indian States Forces) (Amendment) Act, 1939 mentioned therein may kindly be sent very early to enable further action being taken in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

8/11

For Secretary to Government,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore. 20th December 1940.

No. Pol 894

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

The Railway Lands (Employment of Indian States Forces) (amendment) Act, 1939.

I am directed to invite reference to this office letter No. Pol.637, dated 8th November 1940 on the above subject, and to request that a copy of the above mentioned Act may kindly be sent very early.

I have the honor to be,
Sir,
Your most obedient servant,

20/12

Secretary to Government,
Law Department.

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

(4) 3852 P 840

Secret. No. F.150/1940.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

SECY. LAW DEPT
To
GOVT OF MYSORE

The Secretary to the Government of Mysore,
Law Department, Bangalore.

Dated Bangalore, the 23rd December *1940*

23/12/40

SIR,

I am directed to refer to your letter No.Pol. 894, dated the 20th December 1940, and to say that a reply has already been sent to your letter No.Pol.637 of the 8th November 1940, a copy of which is enclosed for easy reference.

I have the honour to be,
Sir,
Your obedient servant,

Secretary to the Resident in Mysore.

Secret. No.F.150/1940.

From The Secretary to the Resident in Mysore,
Bangalore.

To The Secretary to the Government of Mysore,
Law Department, Bangalore.

Dated, Bangalore, 4th December 194

Sir,

I am directed to refer to your letter No.Pol. 637/pp dated the 8th November 1940, and to say that the Railway Lands (Employment of Indian States Forces, (Amendment) Act 1939, referred to in para 3 (e) of my demi-official letter No.F.150-1940 dated the 12th July 1940 should read Railway Lands (Employment of Indian State Forces) Law 1939, copies of which were forwarded with this Residency's letter No.R.No.F.91/40/Judl dated the 7th February 1940.

I have the honour to be,

Sir,

Your obedient servant,

Sd A. Macann.

Secretary to the Resident in Mysore.

-Copy-

Mothamed-Ul-Mulk

16th August 2.

D.O. No. P1104/Secretary P.P.19-42.

Dear Sir

I am desired to send herewith for favour of information ten spare copies of Official Memorandum No.P.1085-97/P.P.19-42-1 dated 15th August 1942 relating to the operation of the Mysore Police in the limits of the Crown Representative's jurisdiction in the Civil and Military Station and the railway lands over which jurisdiction has been ceded to the Crown Representative and the Crown Representative's Police in the Mysore State.

Yours Sincerely

16/8

Amathya Siromani
T. Thumboo Chetty, Esq., B.A., O.B.E.,
Private Secretary to His Highness
the Maharaja of Mysore, Mysore.

Immediate.

1051 opr

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. R.F.91-40/Judl. Encl. 1.

Release communicate copy to C.C., Jgp, Sub Magistrate, Jagmohanpur Nyapalli once

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 15th August *1942.*

Employment of Mysore State troops and Police on the Railway lands in the Mysore State over which jurisdiction vests with the Crown Representative.

SIR,

I am directed to say that under the Railway Lands (Employment of Indian State Forces) Law, 1939, the military and police forces of the Mysore State are competent to operate on the Railway lands in the State over which jurisdiction vests with the British Government. To place the matter beyond any doubt, however, the Hon'ble the Resident considers that a formal authority from him may be granted for the forces to act on the Railway lands. I enclose a letter of such authority.

I have the honour to be,
Sir,
Your most obedient servant,

Draft submitted for approval. Chief Secretary

for SECRETARY TO THE RESIDENT.

THE HON'BLE THE RESIDENT IN MYSORE.

No.R.F.91-40/Judl. Dated August 1942.

WHEREAS it is considered necessary for the maintenance of public order and the protection of the Railway lands in the Mysore State over which jurisdiction vests with the British Government to employ the Mysore State Forces and the Mysore Police on such lands, the Hon'ble the Resident hereby authorises such Forces and Police to act on the said Railway lands.

Lieut,-Colonel.
R E S I D E N T.

RsiRao

Cl 3936.01

17th August 1942.

Mothamad-ul-Mulk
M. G. Mehkri, Esqr., B.A., LL.B.,
Chief

The Secretary to the Hon'ble the Resident in Mysore.

S i r,

With reference to your letter No.R.F.91-40/Judl. dated the 15th August 1942, I am directed to enclose herewith a copy of the Memorandum of instructions issued to the District Magistrates in the matter of employment of Mysore State Troops and Police on the railway lines in the Mysore State over which Jurisdiction vests with the Crown Representative.

I have the honour to be,

Sir,

Your most obedient servant,

17/8

Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. .1101-13/Gen.Cos. *Bangalore, Dated* ..... 16th August 1941

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The I. G. of Police.
" Chief Commandant, M.S.T.V.
" Dt. Magistrates of Dts.
" Regr. High Court.
" G.C. Manager Mys. St. Bys.

Issued
The original Residency letter is Subd. herewith
16/8/41

Sir,

In continuation of Official Memorandum No. .1063-67/..-19-41-1 dated 10th August 1941 relating to the exemption of the Mysore Police in the limits of the Cantonment Magistrate's jurisdiction in the Civil and Military Lines and the Military Lands over which jurisdiction has been ceded to His Majesty's Government for Cantonment purposes, I am directed to forward herewith for your information a copy of a letter No. .1063-67/Gen. dated the 14th instant from the Residency to the Secretariat conveying the decision of the Hon'ble the Resident for the exemption of Mysore Police Force and Police on the Military Lands in the Civil Lines from jurisdiction vested with the Cantonment Magistrate.

I have the honour to be
Sir,
Your obedient servant,

(Sd) M. G. Markri.

Under Secretary to Government.

"Copy"

THE HON'BLE THE RESIDENT IN MYSORE.

No.R.F.91-40/Judl. Dated August 1942.

WHEREAS it is considered necessary for the maintenance of public order and the protection of the Railway lands in the Mysore State over which jurisdiction vests with the British Government to employ the Mysore State Forces and the Mysore Police on such lands, the Hon'ble the Resident hereby authorises such Forces and Police to act on the said Railway lands.

(Sd) D. de M.S. Fraser,

Lieut.,-Colonel.
R E S I D E N T.

Copy of letter No.R.F.91-40/Judl.dated 15th August 1942, from the Secretary to the Hon'ble the Resident in Mysore, to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

****

Employment of Mysore State Troops and Police on the Railway lands in the Mysore State over which jurisdiction vests with the Crown Representative.

I am directed to say that under the Railway Lands (Employment of Indian State Forces) Law, 1939, the military and police forces of the Mysore State are competent to operate on the Railway lands in the State over which jurisdiction vests with the British Government. To place the matter beyond any doubt, however, the Hon'ble the Resident considers that a formal authority from him may be granted for the forces to act on the Railway lands. I enclose a letter of such authority.

"Copy"

(Sd) M.K. Varadarajan,

For Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

Dated Bangalore,....15th August 1942.

No.

OFFICIAL MEMORANDUM.

The accompanying provisions relating to the operation of the Mysore Police in the limits of the Crown Representative's jurisdiction in the Civil & Military Station and the Railway lands over which jurisdiction has been ceded to the Crown Representative and of the Crown Representative's Police in the Mysore State, are communicated for the information of the officers in Mysore State:--

(1) Section 58-A of the Code of Criminal Procedure as amended by Act II of 1933 and subsequent Acts;

(2) Notification No. 107-1 Foreign & Political dated the 24th February 1932, published on 27th February 1932 in the Gazette of India and reproduced in S.Ranganadhaiyar's Code of Criminal Procedure, Sixth Edition, 1939, pages 323 and 324;

(3) Railway Lands (Employment of India State Forces) Law, 1939, published by Notification dated the 2nd January 1940;

(4) Railway Lands (Employment of Foreign Forces) Act XVII of 1941.

(5) Para 5 of Memorandum on 'Police' received with D.O. letter No. R.706/140-37 (19)B, dated the 8th April 1938 from the Secretary to the Hon'ble the Resident in Mysore;

(6) Para 5 of Chief Secretary's reply No.4244/C.B.125-37-90 dated the 10th June 1938 in the matter.

By order,

M. S. [illegible] 15/8

Chief Secretary to Government.

To

The Inspector General of Police,

" Chief Commandant, Mysore State Troops.

" District Magistrates of Districts.

" General Manager, Mysore State Railway.

" Registrar, High Court of Mysore.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT,

No. P. 1085-97—P. P. 19-42-1,
Enclosures - Six.

Dated Bangalore, 15th August 1942.

OFFICIAL MEMORANDUM.

The accompanying provisions relating to the operation of the Mysore Police in the limits of the Crown Representative's jurisdiction in the Civil and Military Station and the railway lands over which jurisdiction has been ceded to the Crown Representative and the Crown Representative's Police in the Mysore State, are communicated for the information of the officers in Mysore State :—

(1) Section 58-A of the Code of Criminal Procedure as amended by Act II of 1933 and subsequent Acts ;

(2) Notification No. 107-1 Foreign and Political, dated the 24th February 1932, published on 27th February 1932 in the *Gazette of India* and reproduced in S. Ranganadhaiyar's Code of Criminal Procedure, Sixth Edition, 1939, pages 323 and 324 ;

(3) Railway Lands (Employment of Indian State Forces) Law, 1939, published by Notification dated the 2nd January 1940 ;

(4) Railway Lands (Employment of Foreign Forces) Act XVII of 1941 ;

(5) Para 5 of Memorandum on 'Police' received with D. O. letter No. R. 706—140-37 (19) B, dated the 8th April 1938, from the Secretary to the Hon'ble the Resident in Mysore ;

(6) Para 5 of Chief Secretary's reply No. 4244—C. B. 125-37-90, dated the 10th June 1938 in the matter.

By Order,

M. G. MEHKRI,

Chief Secretary to Government.

To —The Inspector-General of Police.
The Chief Commandant, Mysore State Troops.
The District Magistrates of Districts.
The General Manager, Mysore State Railway.
The Registrar, High Court of Mysore.

ENCLOSURE (1)—Section 58-A of the Code of Criminal Procedure as amended by Act II of 1933 and subsequent Acts.

58-A (1) When a person accused of having committed in British India, an offence which, if committed in Mysore would be punishable under any of the following sections of the Indian Penal Code as in force in Mysore, namely, sections 300, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402, enters Mysore with members of the Police Force of British India in pursuit, the pursuing party may, subject to the provisions hereinafter contained, continue the pursuit into, and arrest the fugitive in Mysore.

(2) The authorisation conferred by sub-section (1) shall not be operative unless—

(*a*) the pursuing party includes at least one officer holding in the British Indian Police Force a rank not lower than the rank corresponding with that of a Jamadar of the Mysore Police, and

(*b*) the circumstances are such that an application for the continuance of the pursuit and the effecting of the arrest by the Mysore Police would prejudice the prospects of effecting the arrest of the fugitive.

Explanation.—If, when the pursuing party has continued the pursuit into Mysore under the authority of clause (*b*) of this sub-section, it becomes possible to communicate with the Mysore Police, before the fugitive has been arrested and without prejudice to the prospects of effecting his arrest, the pursuing party shall forthwith communicate with the Mysore Police for the arrest of such fugitive.

(3) A person arrested by the British Indian Police under sub-section (1) shall forthwith be conveyed to the nearest place in which an officer of the Mysore Police is known to be and shall be handed over to the Mysore Police in that place.

ENCLOSURE (2)—Notification No. 107—1, Foreign and Political, dated 24th February 1932.

(1) When a person accused of having committed in any State specified in the first schedule hereto an offence which, if committed in British India would be punishable under sections 300, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402, Indian Penal Code, enters British India with members of the Police of that State in pursuit, the pursuing party may, subject to the provisions hereinafter contained continue the pursuit into and arrest the fugitive in British India.

(2) The authorisation conferred by rule (1) shall not be operative unless—

(*a*) the pursuing party includes at least one officer holding in the State-force a rank not lower than the rank corresponding with that of a Head Constable of Police in British India, and

(*b*) the circumstances are such that an application for the continuance of the pursuit and the effecting of arrest by the British Indian Police would prejudice the prospects of effecting the arrest of the fugitive.

(3) If when the pursuing party has continued the pursuit into British India under the authority of clause (*b*) of rule 2, it becomes possible to communicate with British Indian Police before arrest of the fugitive and without prejudice to the prospects of arrest, the pursuing party shall forthwith communicate with British Indian Police.

(4) A person arrested by the State Police under the authority of these rules shall forthwith be conveyed to the nearest place in which an officer of the British Indian Police is known to be and shall be handed over to the British Indian Police of that place.

ENCLOSURE (3)—Railway Lands (Employment of Indian State Forces) Law, 1939.

No. I-W.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Law :—

1. This Law may be called the Railway Lands (Employment of Indian State Forces) Law, 1939.

2. Whenever a military force of an Indian State is, with the authority of the Political Agent accredited to that State, engaged in the maintenance of public order in, or in the protection of, any railway lands over which the Crown Representative has jurisdiction, whether in that or in any other such State,—

(*a*) every member of such force may take such steps and use such force, as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands ;

(*b*) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

(*c*) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is so acting it becomes practicable for him to communicate with a Magistrate he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a police force of an Indian State is, with the authority of the Political Agent accredited to that State, engaged in the maintenance of public order in, or in the protection of, any railway lands over which the Crown Representative has jurisdiction, whether in that or in any other such State,—

(*a*) every member of such police force shall be deemed to be—

(i) a public servant for the purposes of the Indian Penal Code or of any other law as applied to or in force in those railway lands, and

(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1898, section 31 of the Police Act, 1861, and section 131 of the Indian Railways Act, 1890, as applied to or in force in those railway lands; and

(*b*) every member of such police force, not below the rank which corresponds to that of a sub-inspector of police in British India, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1898, as applied to or in force in those railway lands.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military or police force of an Indian State for anything done in good faith in pursuance of, or in the exercise of powers conferred by this law.

ENCLOSURE (4)—The Railway Lands (Employment of Foreign Forces) Act, 1941.

ACT XVII OF 1941.

WHEREAS it is expedient to give protection to Foreign Forces when engaged in the maintenance of public order in, or in the protection of, railway lands in Mysore; It is hereby enacted as follows:—

1. (1) This Act may be called the Railway Lands (Employment of Foreign Forces) Act, 1941.

(2) It extends to the whole of Mysore.

2. Whenever a military force of British India or of another Indian State is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in, or in the protection of, any railway lands in Mysore—

(*a*) every member of such Force may take such steps and use such force as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;

(*b*) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

(*c*) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such force may disperse the assembly by military force and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is so acting, it becomes practicable for him to communicate with a Magistrate, he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in or in the protection of any railway lands in Mysore—

(*a*) every member of such police force shall be deemed to be—

(i) a public servant for the purposes of the Indian Penal Code, as in force in Mysore, or of any other law for the time being in force in Mysore, and

(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1904, and section 113 of the Mysore Railway Act, 1894; and

(*b*) every member of such police force, not below the rank which corresponds to that of a Sub-Inspector of Police in Mysore, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1904.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military force of British India or of an Indian State or of any police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this Act.

ENCLOSURE (5).

*

5. The closest co-operation will of course be necessary between the police of the retained and retroceded areas and this should include the provisions for co-operation now in force between the City and Civil and Military Station Police. In the correspondence ending with my demi-official letter No. R. 658—140-37 (20), dated the 21st March 1938, it has been suggested that during civil disturbances, owing to the peculiar geographical relation between the Cantonment and the retroceded area, it may be necessary for the troops of either Government to act in certain circumstances just across the border of the area for which they are responsible. Similarly, police action may be necessary by either police force just across the border during the progress of civil disturbances. There is another occasion during which it may be necessary especially for the police of the retroceded area to take certain action within the retained area. Certain religious processions pass through both areas, and when, for instance, a procession is passing from the retroceded area through the retained area, it may be necessary for a body of retroceded area police escorting it to continue escorting it through the retained area, since the number of police in the retained area will be small and it may not be convenient for one body of police to hand over to another body in such circumstances on the boundary. If, in such circumstances, a body of retroceded area police were forced to act within the retained area they would of course be for that period under the orders of a retained area Magistrate if he were on the spot. Having such circumstances in mind, the Resident asks the Mysore Government to agree that in the event of civil disturbances contiguous to the boundary between the retained and retroceded areas or when processions pass through both areas, the police forces of both Governments will co-operate in any measure or action considered necessary.

ENCLOSURE (6).

This Government agree to co-operation between the Police of the retained and retroceded areas, as proposed in para 5 of your memorandum.

WD—4810—GPB—25—15-8-42.

STATEMENT OF GENERAL PRINCIPLES.

The jurisdiction over certain railway ~~xkndx in~~ lands in Mysore has been ceded to His Excellency the Crown Representative. In the course of the protection of such lands, it may happen that British Indian Forces may have to operate in Mysore territory within tactical distance of the railway lands. The proposed Bill is intended to protect such forces from the consequence of any action they may take in the protection of the railway lands.

It may be mentioned that the protection afforded by the Bill will be available only if the forces act with the authority of the Government of Mysore.

Similar protection to the State Forces when acting on the railway territory over which jurisdiction has been ceded has been given by the Railway Lands (Employment of State Forces) Law, 1939, issued by His Excellency the Crown Representative in February of last year.

BKR
23.5.41

STATEMENT OF GENERAL PRINCIPLES.

The jurisdiction over certain railway areas in India in Mysore has been ceded to His Excellency the Crown Representative. In the course of the protection of such lands, it may happen that British Indian Forces may have to operate in Mysore territory within tactical distance of the railway lands. The proposed Bill is intended to protect such forces from the consequence of any action they may take in the protection of the railway lands.

It may be mentioned that the protection afforded by the Bill will be available only if the forces act with the authority of the Government of Mysore.

Similar protection to the State Forces when acting on the railway territory over which jurisdiction has been ceded has been given by the Railway Lands (Employment of State Forces) Law, 1939, issued by His Excellency the Crown Representative in February of last year.

THE RAILWAY LANDS (EMPLOYMENT OF FOREIGN FORCES) ACT, 194..

WHEREAS it is expedient to give protection to foreign forces when engaged in the maintenance of public order in, or in the protection of, Railway Lands in Mysore;

It is hereby enacted as follows:-

1(1) This Act may be called the Railway Lands (employment of Foreign Forces) Act, 194

(2) It extends to the whole of Mysore.

2. Whenever a military force of British India is, with the authority of the Government of His Highness the Maharaja engaged in the maintenance of public order in, or in the protection of, any railway lands in Mysore, -

(a) every member of such force may take such steps and use such force as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;

(b) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

c) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is so acting it becomes practicable for him to communicate with a Magistrate he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a police force constituted in British India or in the Civil and Military Station, Bangalor

is , with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in or in the protection of, any railway lands in Mysore, -

(a) every member of such police force shall be deemed to be-

(i) a public servant for the purposes of the Indian Penal Code, as in force in Mysore, or of any other law for the time being in force in Mysore, and

(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1904, and section 113 of the Mysore Railway Act, 1894; and

(b) every member of such police force, not below the rank which corresponds to that of a sub-inspector of police in Mysore, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1904,

4. No suit, prosecution or other legal proceeding shall lie against any member of any military or police force of an Indian State for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this law.

BXR
23.5.41

5. The Railway Lands (Employment of Foreign Forces) Bill.

WHEREAS it is expedient to give protection to foreign Forces when engaged in the maintenance of public order in, or in the protection of, railway lands in Mysore; It is hereby enacted as follows:—

1. (1) This Act may be called the Railway Lands (Employment of Foreign Forces) Act, 194

(2) It extends to the whole of Mysore.

2. Whenever a military force of British India or of another Indian State is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in, or in the protection of, any railway lands in Mysore—

(*a*) every member of such force may take such steps and use such force as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;

(*b*) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

(*c*) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be

punished according to law ; but if while he is so acting it becomes practicable for him to communicate with a Magistrate, he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action:

3. Whenever a police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in or in the protection of any railway lands in Mysore ;—

(*a*) every member of such police force shall be deemed to be—

(i) a public servant for the purposes of the Indian Penal Code, as in force in Mysore, or of any other law for the time being in force in Mysore, and

(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1904, and section 113 of the Mysore Railway Act, 1894 ; and

(*b*) every member of such police force, not below the rank which corresponds to that of a Sub-Inspector of Police in Mysore, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1904.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military force of British India or of an Indian State or of any police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this Act.

Statement of Objects and Reasons of the Railway Lands (Employment of Foreign Forces) Bill.

The jurisdiction over certain railway lands in Mysore has been ceded to His Excellency the Crown Representative. In the course of the protection of such

lands, it may happen that British Indian Forces may have to operate in Mysore territory within tactical distance of the railway lands. The proposed Bill is intended to protect such Forces from the consequence of any action they may take in the protection of the railway lands.

It may be mentioned that the protection afforded by the Bill will be available only if the Forces act with the authority on the Government of Mysore.

Similar protection to the State Forces when acting on the railway territory over which jurisdiction has been ceded, has been given by the Railway Lands (Employment of State Forces) Law, 1939, issued by His Excellency the Crown Representative in February of last year.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Passed by the Legislative Council.
S. H. Chandrasekharaiya
President, Legislative Council
7/7

Printed by the Superintendent at the Government Press, Bangalore

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

ORDER No. RL 277 Legis 7-41-1
enclose

Dated, Bangalore, the 30th July 1941.

Ordered that the accompanying Railway Lands (Employment of Foreign Forces) Act, 1941, which received the assent of His Highness the Maharaja, on the 16th day of July 1941, be published as Act No. XVII of 1941 in the Mysore Gazette for general information.

30/7/41

Secretary to Government,
Law Department.

To--The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies as per Standing Orders.

TN-3)

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

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Section. Legis
File No. 7 – 41
Serial No. /

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. RL 277/Enclosures

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191* .

Ordered that the accompanying Railways Lands (Employment of Foreign Ones) Act, 1941

which received the assent of His Highness the Maharaja, on the 16th day of July 1941, be published as ~~Regulation~~ Act No. XVII of 191 , in the *Mysore Gazette* for general information.

Date of issue 30.7.41

Signed by H. V. Narayanarao

H. V. Narayanarao
Secretary to Government.
Law dept.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Spare copies as per standing order.

30/7/41

Copy to Trans/Latin Section

Act no XVII of 1941

5. The Railway Lands (Employment of Foreign Forces) Bill Act, 1941.

(As introduced in the Legislative Assembly on 26th July 1941)

WHEREAS it is expedient to give protection to foreign Forces when engaged in the maintenance of public order in, or in the protection of, railway lands in Mysore; It is hereby enacted as follows:—

1. (1) This Act may be called the Railway Lands (Employment of Foreign Forces) Act, 1941.

(2) It extends to the whole of Mysore.

2. Whenever a military force of British India or of another Indian State is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in, or in the protection of, any railway lands in Mysore—

(*a*) every member of such force may take such steps and use such force as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;

(*b*) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

(*c*) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be

punished according to law ; but if while he is so acting it becomes practicable for him to communicate with a Magistrate, he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in or in the protection of any railway lands in Mysore ;—

(*a*) every member of such police force shall be deemed to be—

(i) a public servant for the purposes of the Indian Penal Code, as in force in Mysore, or of any other law for the time being in force in Mysore, and

(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1904, and section 113 of the Mysore Railway Act, 1894 ; and

(*b*) every member of such police force, not below the rank which corresponds to that of a Sub-Inspector of Police in Mysore, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1904.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military force of British India or of an Indian State or of any police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this Act.

Sd/ Mahaan Rao
Dewan

Statement of Objects and Reasons of the Railway Lands (Employment of Foreign Forces) Bill.

The jurisdiction over certain railway lands in Mysore has been ceded to His Excellency the Crown Representative. In the course of the protection of such

lands, it may happen that British Indian Forces may have to operate in Mysore territory within tactical distance of the railway lands. The proposed Bill is intended to protect such Forces from the consequence of any action they may take in the protection of the railway lands.

It may be mentioned that the protection afforded by the Bill will be available only if the Forces act with the authority on the Government of Mysore.

Similar protection to the State Forces when acting on the railway territory over which jurisdiction has been ceded, has been given by the Railway Lands (Employment of State Forces) Law, 1939, issued by His Excellency the Crown Representative in February of last year.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

NOTIFICATION.

Order No. Rl. 277—*Legis.* 7-41-1, *dated Bangalore, the* 30*th July* 1941.

Ordered that the accompanying Railway Lands (Employment of Foreign Forces) Act, 1941, which received the assent of His Highness the Maharaja, on the 16th day of July 1941, be published as Act No. XVII of 1941 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT NO. XVII of 1941.

The Railway Lands (Employment of Foreign Forces) Act, 1941.

(*Received the assent of His Highness the Maharaja on the* 16*th day of July* 1941)

WHEREAS it is expedient to give protection to Foreign Forces when engaged in the maintenance of public order in, or in the protection of, railway lands in Mysore; It is hereby enacted as follows:—

1. (1) This Act may be called the Railway Lands (Employment of Foregin Forces) Act, 1941.

(2) It extends to the whole of Mysore.

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(*a*) every member of such Force may take such steps and use such force as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to

cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;

(*b*) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such Force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

(*c*) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such Force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is so acting it becomes practicable for him to communicate with a Magistrate, he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a Police Force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in or in the protection of any railway lands in Mysore—

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(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1904, and section 113 of the Mysore Railway Act, 1894; and

(*b*) every member of such Police Force, not below the rank which corresponds to that of a Sub-Inspector of Police in Mysore, shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1904.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military force of British India or of an Indian State or of any police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this Act.

N. MADHAVA RAU,

Dewan.

Price: 0-0-6

Printed by the Superintendent at the Government Press, Bangalore.